IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.392 OF 2004

Mahendrakumar Mohanlal Mehta & ors. ... Appellants

V/s.

Shri Pravinchandra Mohanlal
Mehta & Ors. ... Respondents

Mr.S.N. Chandrachood for Appellants
Dr.Virendra Tulzapurkar with V.S. Gokhale for
Respondent Nos.1 and 2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 27, 2004**

P.C.:

. This Appeal from Order has become infructuous in view of the dispute between the parties being referred to arbitration under section 8 of the Arbitration and Conciliation Act and an award being passed therein. This award has been challenged by the appellants. Certain amounts had been deposited by the appellants in this Court pursuant to the orders of this Court in Civil Application No.517 of 2004 in the present Appeal from Order. Appeal from Order dismissed as infructuous.

2. A request is made by the learned Advocate for the appellants that since the appeal has become infructuous, the amount which has been deposited be

transferred to Miscellaneous Civil Application No.559 of 2004 pending before the Additional District Judge, Pune.

3. Despite strong opposition by Dr.Tulzapurkar, I see no reason why such a procedure cannot be followed. It would always be open for the respondents herein to make an application before the Additional District Judge, Pune for releasing the amount to them. If such an application is made, the Additional District Judge, Pune may consider the same on merits.

4. In view of the dismissal of the Appeal from Order, nothing remains in Civil Application No.517 of 2004 and the same is disposed of accordingly.

5. Parties be provided authenticated copy of this order.